

**EXHIBIT A**

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

JOSEPH PLANCON  
96 GAINSWAY COURT  
POWELL, OH 43065,

PLAINTIFF,

VS.

KIA AMERICA INC  
C/O CT CORPORATION SYSTEM  
4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219,  
DEFENDANT.

22CV-10-7040

CASE NUMBER

\*\*\*\*\* SUMMONS \*\*\*\*\*

10/10/22

TO THE FOLLOWING NAMED DEFENDANT:

KIA AMERICA INC  
C/O CT CORPORATION SYSTEM  
4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY  
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,  
BY: JOSEPH PLANCON  
96 GAINSWAY COURT  
POWELL, OH 43065,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF  
THE PLAINTIFF'S ATTORNEY IS:

FREDERIC A. PORTMAN  
AGEE CLYMER MITCHELL  
SUITE 1100  
140 EAST TOWN STREET  
COLUMBUS, OH 43215

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S  
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY  
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE  
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER  
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A  
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED  
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: JANIE STANLEY, DEPUTY CLERK

(CIV370-S03)

MARYELLEN O'SHAUGHNESSY  
 CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
 CIVIL DIVISION

JUDGE J. PAGE

JOSEPH PLANCON,  
 ET. AL.,

PLAINTIFF,

VS.

KIA AMERICA INC  
 ET. AL.,

DEFENDANT.

22CV-10-7040

CASE NUMBER

## CLERK'S ORIGINAL CASE SCHEDULE

## LATEST TIME OF OCCURRENCE

CASE FILED

10/10/22

INITIAL DISCLOSURES OF THE PARTIES [CIV. R. 26(B) (3)]

01/02/23

DISCOVERY CONFERENCE OF COUNSEL AND UNREPRESENTED PARTIES  
 [CIV. R. 26(F)]

02/06/23

JOINT DISCOVERY PLAN TO BE FILED

14 DAYS AFTER DISCOVERY  
 CONFERENCE

CASE MANAGEMENT CONFERENCE WITH COURT

03/20/23 0830 AM

EXPERT WITNESS [CIV. R. 26(B) (7)]

DISCLOSE IDENTITY - PARTY WITH BURDEN

05/22/23

DISCLOSE IDENTITY - PARTY WITHOUT BURDEN

NO LATER THAN 30 DAYS AFTER  
 OPPOSING DISCLOSURE

EXPERT REPORT &amp; CV DUE - PARTY WITH BURDEN

08/14/23

EXPERT REPORT &amp; CV DUE - PARTY WITHOUT BURDEN

NO LATER THAN 60 DAYS AFTER  
 OPPOSING REPORTS

DISPOSITIVE MOTION DEADLINE

03/11/24

DISCOVERY CUTOFF DATE

05/13/24

FINAL PRETRIAL CONFERENCE

09/30/24 0845 AM

TRIAL ASSIGNMENT

10/28/24 0900 AM

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

JUDGE J. PAGE

JOSEPH PLANCON,  
ET. AL.,

PLAINTIFF,

VS.

KIA AMERICA INC  
ET. AL.,

DEFENDANT.

22CV-10-7040

CASE NUMBER

CLERK'S ORIGINAL CASE SCHEDULE

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NOTICE TO ALL PARTIES

Attorneys and unrepresented parties must become familiar with the 2020 amendments to the Ohio Rules of Civil Procedure and this court's Local Rules.

The Original Case Schedule is an important tool to assist the parties and the court in meeting case management guidelines in the Ohio Superintendence Rules, and otherwise achieving timely disposition of civil cases notwithstanding the priority given to criminal cases under Crim. R. 50.

Judicial Officers of this court may modify the Original Case Schedule following receipt of the parties' Joint Discovery Plan, or for good cause at any other point in the case. However, it is essential for attorneys and unrepresented parties to pursue their cases diligently from the outset. Deadlines set in the Rules and in this Original Case Schedule are normally binding, not merely aspirational.

BY ORDER OF THE COURT OF COMMON PLEAS,  
FRANKLIN COUNTY, OHIO

MARYELLEN O'SHAUGHNESSY, CLERK

(CIV363-S10)

**MARYELLEN O'SHAUGHNESSY**

**FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS**

**CASE TITLE: JOSEPH PLANCON -VS- KIA AMERICA INC ET AL**

**CASE NUMBER: 22CV007040**

**TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:  
CERTIFIED MAIL**

**DOCUMENTS TO BE SERVED:  
COMPLAINT**

**PROPOSED DOCUMENTS TO BE SERVED:**

**UPON:  
KIA AMERICA INC  
C/O CT CORPORATION SYSTEM  
4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OH 43219**

**JUVENILE CITATIONS ONLY:**

**HEARING TYPE:**

**Date already scheduled at : Courtroom:**

**Electronically Requested by: FREDERIC PORTMAN  
Attorney for:**

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

JOSEPH PLANCON )  
96 Gainsway Court )  
Powell, Ohio, 43065 )  
 )  
Plaintiff, )  
v. )  
 )  
KIA AMERICA, INC. )  
c/o CT Corporation System )  
4400 Easton Commons Way, Suite 125 )  
Columbus, Ohio 43219 )  
 )  
and )  
 )  
JOHN DOE CORPORATIONS )  
ONE (1) THROUGH THREE (3) )  
Names and Addresses Unknown )  
 )  
and )  
 )  
JOHN DOE BUSINESS ENTITITES )  
ONE (1) THROUGH THREE (3) )  
Names and Addresses Unknown )  
 )  
and )  
 )  
JOHN DOE INDIVIDUALS )  
ONE (1) THROUGH THREE (3) )  
Names and Addresses Unknown )  
 )  
Defendants. )

CASE NO. \_\_\_\_\_  
JUDGE \_\_\_\_\_  
JURY DEMAND ENDORSED HEREIN  
COMPLAINT

Now comes Plaintiff, Joseph L. Plancon, by and through counsel, and states the following:

FIRST CLAIM

1. At all times relevant herein, Plaintiff, Joseph L. Plancon (hereinafter "Plaintiff"), was and is, a resident of Delaware County, State of Ohio, residing in the city of Powell.

0G114 - E15

2. At all times relevant herein, Defendant Kia America, Inc., with headquarters and principal place of business in Orange County, California, is licensed and conducts business in the State of Ohio.
3. At all times relevant and material herein, Plaintiff was employed as a Columbus, Ohio Police Officer assigned to drive, in the course of his employment, a 2014 Kia Sorento (hereinafter “vehicle”) that was and is owned by the City of Columbus of Columbus, Ohio.
4. The aforementioned vehicle that Plaintiff was operating was manufactured, assembled, inspected, and put through the stream of commerce by Defendant’s multinational companies and/or entities that conduct business in the state of Ohio.
5. On October 15, 2020, Plaintiff was operating the aforementioned vehicle southbound on I-71 near the East Fifth Avenue exit when the traffic began to slow, Plaintiff attempted to slow and stop the brakes of the vehicle. However, when Plaintiff attempted to stop the vehicle using the brakes, the brakes failed causing him to strike the vehicle ahead of him.
6. The 2014 Kia Sorento, operated by Plaintiff, was defective because there were leaks inside the hydraulic electronic control unit and this leakage caused the brakes to fail when Plaintiff attempted to activate them, thereby causing the above-referenced accident.
7. Plaintiff further avers that Defendant was aware of the defects in the hydraulic control system prior to the above-referenced accident. However, neither the City of Columbus of Ohio, nor Plaintiff were aware of the defect until Defendant issued a “recall notice” on or about July 2, 2021.
8. Defendant was negligent in the assembling, construction, production, and placement of a defective hydraulic electronic control unit in the vehicle that Plaintiff was operating on

October 15, 2021. Defendant was also negligent in failing to warn the City of Columbus of Ohio and Plaintiff in a timely fashion.

9. Plaintiff states that the above-described acts of negligence directly and proximately caused the injuries and damages listed below.
10. As a direct and proximate result of the above-referenced accident, Plaintiff has suffered injuries to his right shoulder, right arm, neck, and other parts of his body, causing pain, suffering, and permanent injury.
11. As a direct and proximate result of the Defendant's negligence, Plaintiff has incurred medical bills in excess of \$3,000.00 and expects to incur future medical costs.
12. As a direct and proximate result of the Defendant's negligence, Plaintiff has lost wages in excess of \$1,000.00 and expects to incur future lost earnings. Plaintiff has suffered a permanent impairment in earning capacity.

#### **SECOND CLAIM**

13. Plaintiff incorporates by reference and re-avers the allegations set forth in Paragraph one (1) through twelve (12) as if fully rewritten herein.
14. Plaintiff states that Defendants are engaged in a business to design, formulate, produce, create, make, construct, and assemble the vehicle Plaintiff was operating. Thus, Defendant is a manufacturer pursuant to R.C. §2307.71(9).
15. Plaintiff states that in the alternative that Defendants are suppliers pursuant to R.C. § 2307.71(15)(a) as they conduct, sells, distribute, package, label or otherwise participate in the stream of commerce.
16. Plaintiff states that the vehicle was defective in its manufacture, construction, and design.

17. Plaintiff states the vehicle was defective because it did not conform to representations made by its manufacturer that the braking system did not have defective components.
18. Plaintiff states that the allegations set forth in paragraph fourteen (14) through eighteen (18) constitute a product liability claim as described and set forth in Ohio Revised Code, Sections 2307.71 to 2307.80.
19. Plaintiff states that as a direct result of Defendants' violation of the Ohio Revised Code Sections above, he has suffered injuries, harm, and damages as described and set forth in the First Claim.

### THIRD CLAIM

20. Plaintiff incorporates all allegations contained in the preceding paragraphs as if fully rewritten herein.
21. At all times relevant herein, Defendants John Doe Corporations One (1) through Three (3) and/or John Doe Business Entities One (1) through Three (3), and/or John Doe Individuals One (1) through Three (3), whose identities are currently unknown to Plaintiff and have yet to be discovered, are liable for the negligent conduct of the Defendant, Kia America, Inc., as well as the injuries and damages described above, either by way of direct causation, vicarious liability, and/or under the Doctrine of Respondeat Superior.
22. When the true names of said Defendants John Doe Individuals, Business Entities and Corporations become known, Plaintiff will seek leave to amend this Complaint in accordance with the Ohio Rules of Civil Procedure.

**WHEREFORE**, Plaintiff demands judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00); and for such other and further relief as the Court may deem appropriate under the law and facts of this case.

Respectfully Submitted,

/s/ Frederic A. Portman

Sara L. McElroy (0099672)

Frederic A. Portman (0010382)

**Agee Clymer Mitchell & Portman**

140 E. Town Street, Ste. 1100

Columbus, Ohio 43215

614-221-3318

614-221-7308 (fax)

fportman@ageeclymer.com

*Counsel for Plaintiff*

**JURY DEMAND**

Plaintiffs hereby demands a trial by jury of eight (8) jurors as to all issues contained herein.

/s/ Frederic A. Portman

Frederic A. Portman (0010382)

**Agee Clymer Mitchell & Portman**

fportman@ageeclymer.com

*Counsel for Plaintiff*